IN RE: PETITION FOR VARIANCE

NE/Corner Baltimore Nat'l Pike

and Leslie Avenue

(6200 Baltimore National Pike)

1st Election District
1st Councilmanic District

Joel J. Finkelstein, et al

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 95-30-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 6200 Baltimore National Pike, located in the Catonsville area of western Baltimore County. The Petition was filed by the owners of the property, Joel J. Finkelstein, Andrew R. Sandler, and Stanford G. Gann, and the Contract Purchaser, Taco Bell Corporation, by Anthony K. Byrd, Construction Manager. The Petitioners seek relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a cumulative total business signage of 170.78 sq.ft. in lieu of the permitted 100 sq.ft. for one double-faced sign of 69 sq.ft. per face and one single-faced sign of 32.78 sq.ft. In addition, the Petitioners seek a variance from Section 409.8.4 of the B.C.Z.R. to permit a parking setback from a public street right-of-way of 5 feet in lieu of the required 10 feet for a proposed restaurant use. At the public hearing held on this matter, the Petitioners amended the Petition to request a barking setback variance of 7 feet in lieu of the originally requested 5 feet and the Petition and site plan were so amended. The subject property Mand amended relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

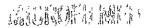
Appearing at the hearing on behalf of the Petition were Anthony Byrd, Construction Manager for Taco Bell, and John Heinrichs. The Peti-

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tioners were represented by Robert A. Hoffman, Esquire. Appearing as an interested party was Thomas Christian who appeared on behalf of the nearby Douglas Park Community.

Testimony and evidence offered revealed that the subject property consists of 49,515 sq.ft., zoned B.L. and is presently improved with a one-story building which was previously used by a Precision Tune franchise that is no longer in operation. The Petitioners have entered into a contract to sell the subject site to the Taco Bell Corporation which is desirous of developing the property with a Taco Bell Restaurant. As shown on the site plan, the proposed restaurant will be a one-story building typical of other Taco Bell restaurants throughout Baltimore County, with the requisite drive-thru lane and parking facilities and a seating capacity for 70 people. As to the variance relief sought, the first relates to the proposed signage. Under the current regulations, the Petitioners are limited to 100 sq.ft. of business signage. A double-faced identification sign of 69 sq.ft. per face is proposed to be located on the southeast corner of the property adjacent to Route 40. This sign is the standard single pole identification sign used by Taco Bell and is more particularly described on Petitioner's Exhibit 1. Also proposed is a single-faced menu board sign of 32.78 sg.ft. total, which will be located adjacent to the drivethru lane. Although, the proposed signage is in excess of that allowed by the current regulations, the signage would comply with the proposed business signage regulations presently pending before the Baltimore County Council.

The second variance relates to the parking setback distance required from a public street right-of-way. As shown on the original site plan, a 5-foot distance was intended to be provided; however, the Petition-



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ers have reconfigured the parking area and a setback of 7 feet can now be provided, with no loss in parking spaces. It is to be noted that correspondence was received from both the Office of Planning and Zoning and the Department of Public Works wherein they opposed the 5-foot setback originally requested. However, supplemental memoranda from those agencies indicate that the revised setback of 7 feet is acceptable.

As to Mr. Christian's appearance, he testified that he is not opposed to the requested variances, per se. However, he raised a number of well-intentioned concerns relative to traffic patterns and flow in this area. Specifically, Mr. Christian recommended that internal access to the site be altered from that shown on the plan. His justification for this recommendation primarily concerns an attempt to improve traffic patterns in the area and to keep crime out of the residential communities located nearby. He believes that a different traffic pattern from that proposed would not allow criminals to escape from the site by easy vehicular access to the adjacent residential community.

Although Mr. Christian's comments are well-taken, I decline to incorporate them in my decision. It should first be noted that the issues before me relate to signage and parking setback requirements and consequently, Mr. Christian's comments do not precisely relate to the issues at hand. More importantly, I am not inclined to adopt such wholesale changes without a thorough study of same. Obviously, Baltimore National Pike is a State route, and as such, access/egress to and from this road is regulated by the State Highway Administration (SHA). That agency has not had an opportunity to comment upon Mr. Christian's suggestions. Thus, although I am not incorporating his recommendations within my Order, I suggest that he and the Petitioners continue their discussions and communications with the

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SHA in an effort to determine if a reconfiguration is desired and/or warranted.

Moreover, subsequent to the hearing on this case, correspondence was received from the SHA dated August 30, 1994 concerning this Petition. Their comments indicate that the SHA has no objection to the requested variances but offer certain requirements as to the proposed entranceway improvements. Obviously, the Petitioner needs to address these issues prior to receiving an access permit from the SHA and might also address Mr. Christian's concerns during that process.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

Walter Broken

ORDER RECEIVED FOR FILING
Date
By

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of September, 1994 that the Petition for Variance seeking relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a cumulative total business signage of 170.78 sq.ft. in lieu of the permitted 100 sq.ft. for one double-faced sign of 69 sq.ft. per face and one single-faced sign of 32.78 sq.ft., and the amended variance seeking relief from Section 409.8.4 of the B.C.Z.R. to permit a parking setback from a public street right-of-way of 7 feet in lieu of the required 10 feet for a proposed restaurant use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) All landscaping for the subject site shall be in accordance with the Baltimore County Landscape Manual and approved by the Landscape Architect, Avery Harden.

3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

ORDER RECTIFED FOR FILING
Dete

#### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

September 7, 1994

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

NE/Corner Baltimore Nat'l Pike and Leslie Avenue
(6200 Baltimore National Pike)

1st Election District - 1st Councilmanic District
Joel J. Finkelstein, et al - Petitioners
Case No. 95-30-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

ĻES:bjs

cc: Mr. Anthony K. Byrd
620 Herndon Parkway, Suite 200, Herndon, VA 22070

People's Counsel

File

South State Barrey



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

which is presently zoned

BL

ITEM# 27

for the property located at 6200 Baltimore National Pike

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413.2F to permit a cumulative total of 170.78 sf. (one double-faced sign 69 sf./face and one single-faced sign 32.78 sf.) of business signage in lieu of the maximum permitted 100 sf. of business signage; and a variance from Section 409.8.4 to permit a parking setback from a public street right-of-way of 5 ft. in \* of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons (indicate hardship or practical difficulty)

\* lieu of the required 10 ft.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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4 1	I/We do solemnly declare and affirm, ungrenthe penalties of perjury, that f/we are the legal owner(s) of the property which is ple-guidiect of his Petition.
Contract Purchaser/Lessoe:	t.egal Owner(s):
Taco Bell Corporation	All hall to
(Type or Pont Name)	
By: () KB	Joel J. Figgal Stein 12 Branch 2001 Court, Baltimore, MD 21208
Signeture Anthony K. Byrd, Constructio	n 484-5030((//
620 Herndon Parkway  Manager	" When Hall
Address Suite 200	Andrew R. Sangier
Herndon, Virginia 22070	Mercantile Building, Suite 900
Cry State Zipcode	2 Hopkins Plaza, Baltimore, MD 21201 539-3700
Robert A. Hoffman	
Robert A. Hoffman  Tyze o Print Name  Signatur Venable Baetjer & Howard	Stanford G. Gann Mercantile Building, Suite 900 2 Hopkins Plaza, Baltimore, MD 21201 539-370
Venable Baetjer & Howard 210 Allegheny Avenue	Name, Altdress and phone number of legal owner, contract purchaser or representative to/be contacted.
494-6200	Robert A. Hoffman
Phane No	Name 210 Allegheny Avenue
Vowson, Maryland 21204	Towson, Maryland 21204 494-6200
State Zipcode	Address Phone Na.
T	OFFICE USE ONLY
The particularly	ESTIMATED LENGTH OF HEARING
The state of the s	unavailable for Hearing
Yowson, Maryland 21204 State Zipcode	the following dates Next Two Months
	ALLOTHER
E. C.	I REVIEWED BY: R.T. DATE 7-26-94

## PHOENIX ENGINEERING, INC.

817 Maiden Choice Lane • Suite 300 • Baltimore, MD 21228 / CONSULTING ENGINEERS

#### DESCRIPTION FOR A ZONING VARIANCE 6200 BALTIMORE NATIONAL PIKE CATONSVILLE, MARYLAND

17EM# 27

BEGINNING for the same at a point being the intersection of the Easternmost Right-of-way line of Leslie Ave., (50 feet wide), as shown on Baltimore County Drawing No. HRW 57 - 048 - A, recorded among the Land Records of Baltimore County, Maryland in Liber 5227 at folio 579, with the Northernmost Right-of-way line of the Baltimore National Pike (150 feet wide); thence binding on said Northernmost Right-of-way line of the Baltimore National Pike

- 1) 194.81 feet along a curve to the left, having a radius of 3,744.72 feet and a chord bearing North 83° 39' 09" East 194.79 feet, to a point on the Westernmost Right-of-way line of Cummings Ave., (35 feet wide), as shown on the Baltimore county Right-of-way Plat RW 88-057-1, recorded among the Land Records of Baltimore County, Maryland in Liber 8111 at Folio 203, thence binding on said Westernmost Right-of way line of Cummings Ave.
- 2) North 04° 22' 20" East 134.00' to a point; thence continuing with the Westernmost Right-of-way of Cummings Ave. and binding on the widening strip acquired by Baltimore County as shown on RW 88-057-1, recorded among the Land Records of Baltimore County, Maryland in Liber 8111 at Folio 203, the following two courses
- 3) South 83° 03' 52" West, 5.10 feet to a point; thence
- 4) North 04° 22' 20" East 16.00 feet to a point on the Southernmost line of a plat entitled "Bensky Property," said plat being recorded in Plat Book S.M. 55 at folio 142; thence running with and binding on said line, as now surveyed
- 5) South 83° 03' 52" West, 112.88 to a point at the end of said Southernmost line of the "Bensky Property," thence
- South 84° 33' 18 West, 76.82 feet to the aforementioned Eastern Right-of-way of Leslie Ave.; thence running with and binding on said Eastern Right-of-way line
- 7) South 04° 22' 36" West, 150.00 feet to the point of beginning

CONTAINING 28,675 square feet or 0.658 acres of land more or less.

WICROFILMED

Telephone: 410-247-8833 • Fax: 410-247-9397

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

95-30-A

#### Towsen, Maryland

District / S / Posted for: Lananco	Date of Posting 8/5/94
Posted for: Variance	
Petitioner: VIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	Not. Pike, NELCOr Los lie Are.
Location of Signa: Jawing 100 day	pon proporty being tors
Remarks:	
Posted by Marine	Date of return: 8/17/94
Number of Signs:	<b>的特别是有关。</b>

#### NOTICE OF HEARING

The Zaning Commissioner of Bullimore Gounty by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in

Room 106 of the County Office Building, 111-W. Chasapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Cose: #96-90 A

(tom 27) 6200 Baltimore National Pike NEC Baltimore National

Pike (Route 40) and Lealle 1st Election District 1st Councilmanic Legal Owner(s):

Joel J. Finkelstein. Andrew R. Sandler, and Stanford G. Gann Contract Purchaser(s): Taco Bell Corporation Hearing: Friday August 26, 1994 at 9:00

a.m. in Rm. 106, County Offige Building. Variance to permit a cumulative total of 170.78

square feet (one double-faced algn 69 square feet/face and one single-faced sign 32.78 square feet) of business algnage in lieu of the maximum permitted 100 equare feet of business signage; and to permit a parking setback from a public street right of way of 5 feet in lieu of the required 10

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

(2) For information concern-

NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Call

887-3353.

## CERTIFICATE OF PUBLICATION

ugust 12, 1999 TOWSON, MD.,

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_ weeks, the first publication appearing on

THE JEFFERSONIAN.

LEGAL AD. TOWSON



Date 7-26-74

North Trans Courses

Zoning Administration & Development Management

111 West Chesepeuke Avenue

Townson, Maryland 21204

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Account: R-001-6150

Number 27

TACO PSELL CORP. 6200 Balto, Nations/ Pike

(S) a /th, Mations / Mike

020 - VARIANCE - # 250 00 080 - SIGN (1) one - # 350

TOTAL -# 28500

MGRIGH MALL

U1A01#0304NTCHRC BA C011:20AM07-26-94 \$265,00

Please Make Checks Payable To: Baltimore County



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

## ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the 1) time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 27
Petitioner: Taco Bul Corporation
Petitioner: Taco Bull Corporation  Location: 6200 Bulinou National Pike
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara W. Ormord
ADDRESS: \$ 210 allegheng and
Tonsen, led 21204
PHONE NUMBER: 494-620/
A.T. core
AJ: nag

app: UA

TO: PUTUXENT PUBLISHING COMPANY
August 11, 1994 Issue - Jeffersonian

Please foward billing to:

Barbara W. Ormord 210 Allegheny Avenue Towson, Maryland 21204 494-6201

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-30-A (Item 27) 6200 Baltimore National Pike

NEC Baltimore National Pike (Route 40) and Leslie Avenue

1st Election District - 1st Councilmanic

Legal Owner(s): Joel J. Finkelstein, Andrew R. Sandler, and Stanford G. Gann

Contract Purchaser(s): Taco Bell Corporation

HEARING: FRIDAY, AUGUST 26, 1994 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a cumulative total of 170.78 square feet (one double-faced sign 69 square feet/face and one single-faced sign 32.78 square feet) of business signage in lieu of the maximum permitted 100 square feet of business signage; and to permit a parking setback from a public street right-of-way of 5 feet in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICKULLIVILL

#### Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

AUG. O 4 1994

(410) 887-3353

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Arnold Jablon Director

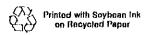
cc: Owners

Taco Bell Corporation Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

August 22, 1994

(410) 887-3353

Robert A. Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, MD 21204

> RE: Item No. 27, Case No. 95-30-A Petitioner: Joel J. Finklestein, et ux Petition for Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 26, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committe Comments August 22, 1994 Page 2

- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.
- Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

W. Carl Richards, Jr. Zoning Coordinator

Very truly yours.

WCR:jw

Enclosures

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 15, 1994 Zoning Administration and Development Management

FROM Robert W. Bowling, P.E., Chief Developers Engineering Section

RE: Zoning Advisory Committee Meeting for August 15, 1994 Item No. 27

The Developers Engineering Section has reviewed the subject zoning item. Cummings Avenue is an existing road which shall ultimately be improved as a 30-foot street cross-section on a 40-foot right-of-way.

Baltimore National Pike (Rt. 40) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting this road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

We recommend against granting a variance from Sec. 409.8.4 considering vehicle overhang. An unacceptable 2 feet of width would be available for the required Class 'B' screen and street trees. The 7-foot wide planted area shown on the schematic landscape plan does not exist.

RWB: sw

#### **Baltimore County Government** Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/09/94

Arnuld Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

Property Owner: JOEL J. FINKELSTEIN & ANDREW R. SANDLER & STANDFORD G. GANN

LOCATION: BALTIMORE NATIONAL PK. (ROUTE 40) AND LESLIE AVE. (6200 BALTIMORE ANTIONAL PK.)

Item No.: 27

Zording Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

AUG O 1994 Fire Marshal Office, PHONE 887-4881, MS-1102F

cca File

EVISORY SET TE MARE 14



O. James Lighthizer Secretary Hal Kassoff

Hal Kassoff Administrator

95-30

August 30, 1994

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
US 40 West
Taco Bell Corporation
Variance Request
Item # +27 (RT)
Mile Post 1.79

Dear Ms. Winiarski:

This office has reviewed the plan for the referenced plan and we offer the following:

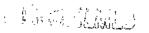
A review of the State Highway Administration's (SHA) current and long range planning documents reveals that there are no roadway improvement projects indicated in this area.

Also, since US 40 is a divided highway in this area, the proposed entrance improvements are not acceptable to the SHA and must be revised to include the following:

- 1. Construct a 35' directional entrance with the predominance of passenger vehicles (sample copy attached).
- 2. Close the existing entrances on the property frontage using SHA Type "A" curb and gutter.
- 3. Install new SHA Type "A: curb and gutter along the remainder of the property frontage, including the existing radii at the intersections of Leslie Avenue and Cummings Avenue located at the property corners.

Therefore, we have no objection to approval for the variance to permit a cumulative total of 170.78 square feet (one doubled-faced sign 69 square feet/face and one single-faced sign 32.78 square feet) of business signage in lieu of the maximum permitted 100 square feet of business signage; and to permit a parking setback from a public street right-of-way of 5 feet in lieu of the required 10 feet, subject to the aforementioned entrance improvements.

My telephone number is 410-333-1350 (Fax# 333-1041)



Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Ms. Julie Winiarski Page Two August 30, 1994

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.
- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

Dar Color

David Ramsey, Acting Chief Engineering Access Permits

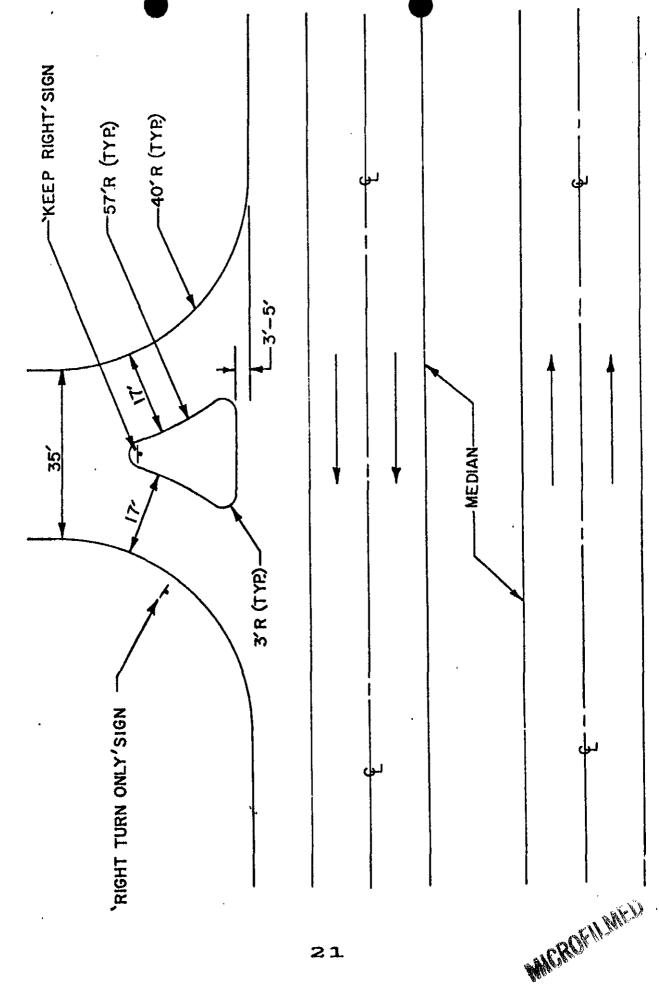
Division

BS/es

Attachment

Volume Color

TYPICAL DIRECTIONAL ENTRANCE ONTO A DIVIDED HIGHWAY - PREDOMINANCE OF PASSENGER VEHICLES





#### INTER-OFFICE CORRESPONDENCE

TO: Donna Dennis, ZADM DATE: August 22, 1994

Francis (Jake) Morsey

Development Review Section

FROM: Strategic Planning Division, OPZ

SUBJECT: Taco Bell 6200 Baltimore Nat'l Pike (LIM 94151)

The Office of Planning and Zoning has reviewed the above referenced project and offers the following comment(s):

- 1. Reduce the traffic signs to 2 feet wide rather than 3 feet.
- Provide sidewalks on Cummings Avenue and Route 40 with a connecting sidewalk to the site from the Route 40 sidewalk. A painted crosswalk to the store front should be included.
- 3. Provide the required 10 foot landscape setback on Cummings Avenue or request a variance for 7 feet from the landscape requirement and get more trees in the island and along Cummings Avenue.
- 4. Screen drive up teller from view from Leslie Avenue and Route 40, cars only not the building canopy.
- 5. Provide mulch like the adjacent Home Depot.

Francis "Jake" Morsey

FM:rdn

AUG 2 3 1994 CONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

95-30-A 8/26

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Zoning Administration

and Development Management

FROM:

Arnold F. "Pat" Keller, Director

Office of Planning and Zoning

SUBJECT:

6200 Baltimore National Pike

Petitioner: Taco Bell Corporation

Zoning: BL Item No. 27

DEGELVEN

August 23, 1994

DATE:

ONING COMMISSIONER

In reference to the applicant's request, staff offers the following comments:

The attached comment of August 22, 1994 reflects the position of this office regarding the subject matter.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

Leffrey Long

GK:JL:fjw

ZAC.27/PZONE/ZAC1

Something to

95° 30

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

August 25, 1994

Office of Zoning Administration and Development Management

Robert W. Bowling, Chief Developers Engineering Section Department of Public Works

SUBJECT: Taco Bell at U. S. Route 40

and Cummings Avenue

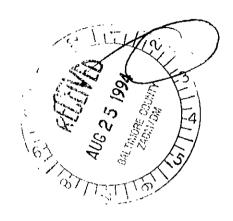
Item #27 - Zoning Advisory

This office previously recommended against granting the variance for allowing only a 5' parking setback from Cummings Avenue when 10' is required.

Now that the developer is providing an additional 2' for a total of 7', this office supports the variance request.

cc: Avery Harden

Part of the second



RE: PETITION FOR VARIANCE \* BEFORE THE
6200 Baltimore National Pike, NEC
Baltimore National Pike (Route 40) \* ZONING COMMISSIONER
and Leslie Avenue, 1st Election Dist.
1st Councilmanic \* OF BALTIMORE COUNTY

Joel J. Finkelstein, et al. \* CASE NO. 95-30-A

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ter Navo Zimmerman

arole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_\_\_\_ day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

PETER MAX ZIMMERMAN

AUG 19 1994

MICROPALME

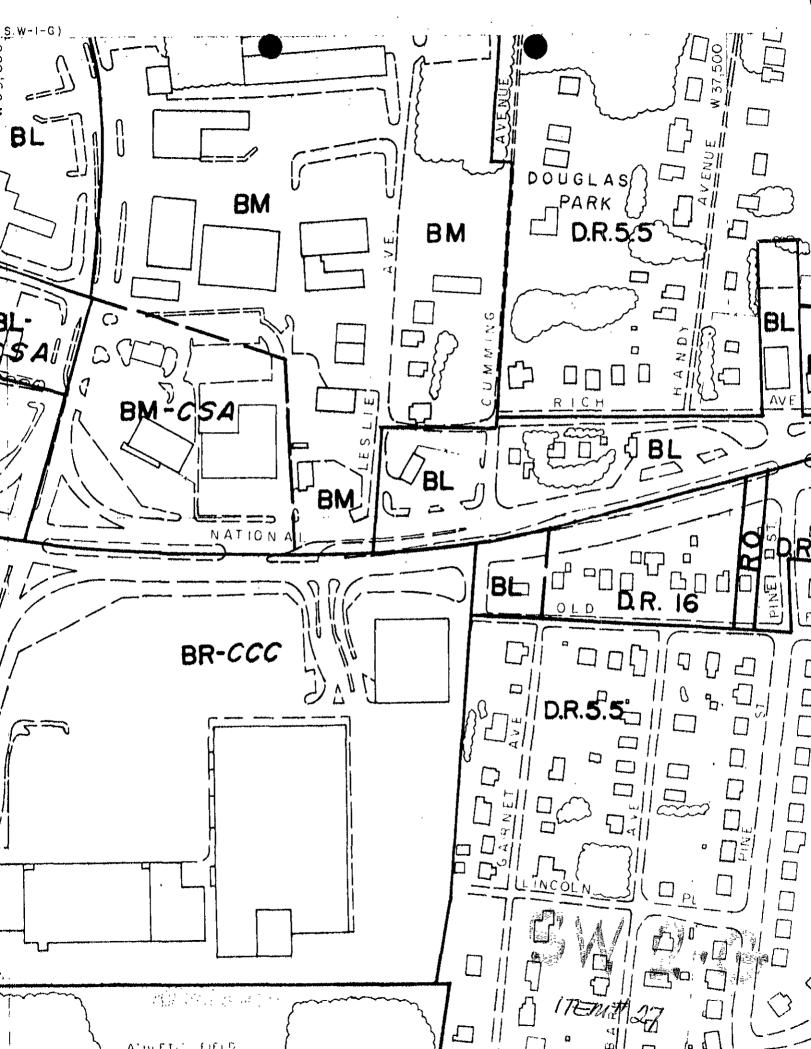
May Zimmerman

ZADM

## PLEASE PRINT CLEARLY

## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
1 1 CD	210 Alleglem Ave
Rob Hoteman	- 17/1/29 lang 100
John Hienrichs	
Anthony Burd	HERMON, MY June
1 JOHN HEINIRICHS	817 MADENTERONE LANE # 20
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#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

August 25, 1994

Office of Zoning Administration

and Development Management

FROM:

Robert W. Bowling, Chief

Developers Engineering Section
Department of Public Works

SUBJECT:

Taco Bell at U. S. Route 40

and Cummings Avenue

Item #27 - Zoning Advisory

This office previously recommended against granting the variance for allowing only a 5' parking setback from Cummings Avenue when 10' is required.

Now that the developer is providing an additional 2' for a total of 7', this office supports the variance request.

PETITIONER'S EXHIBIT NO. 2

cc: Avery Harden

Zoning Plans Advisory Committe Comments August 22, 1994 Page 2

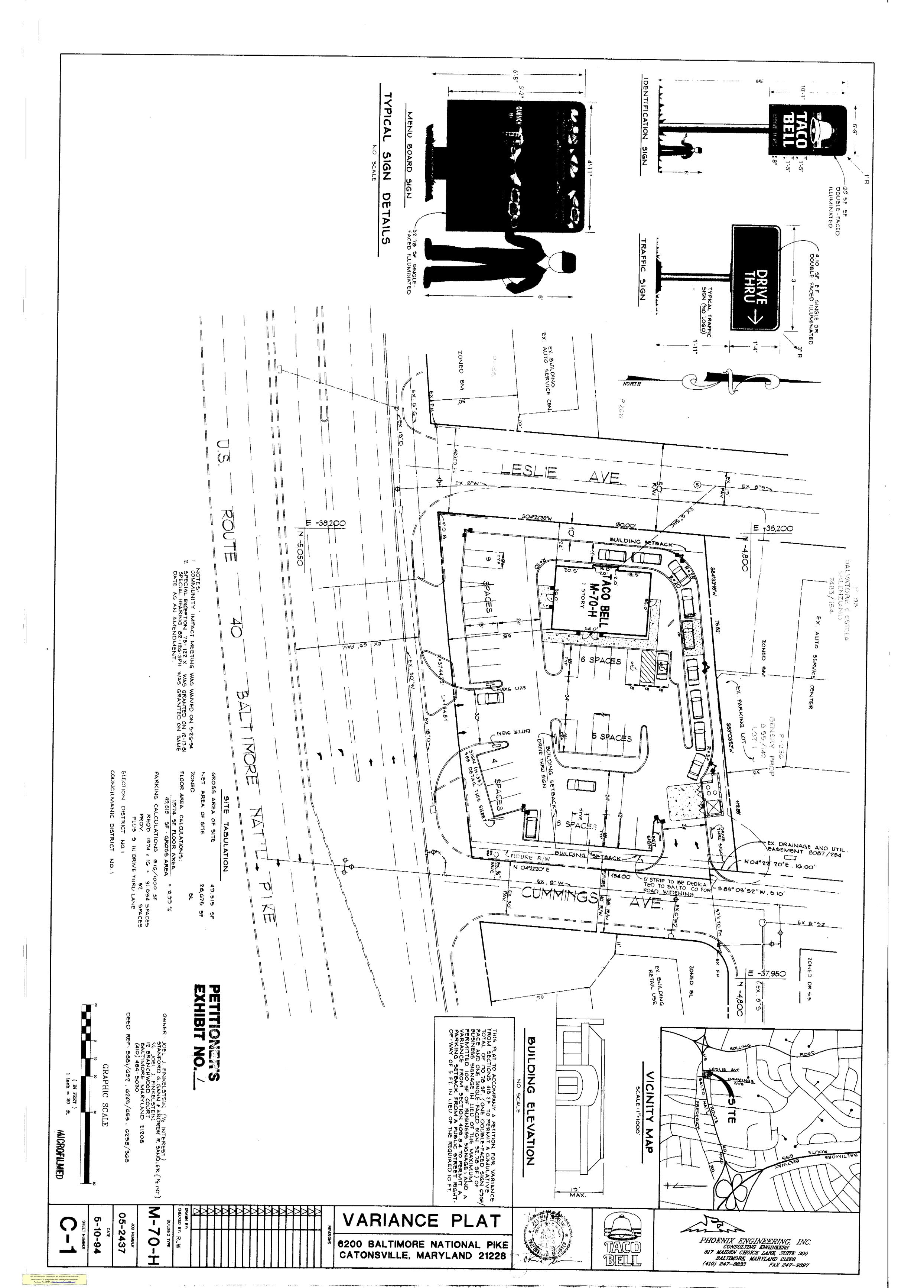
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.
- Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours

W. Carl Richards, Jr. Zoning Coordinator

WCR: jw

Enclosures



IN RE: PETITION FOR VARIANCE NE/Corner Baltimore Nat'l Pike \* ZONING COMMISSIONER and Leslie Avenue (6200 Baltimore National Pike) \* OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District \* Case No. 95-30-A

Joel J. Finkelstein, et al Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 6200 Baltimore National Pike, located in the Catonsville area of western Baltimore County. The Petition was filed by the owners of the property, Joel J. Finkelstein, Andrew R. Sandler, and Stanford G. Gann, and the Contract Purchaser, Taco Bell Corporation, by Anthony K. Byrd, Construction Manager. The Petitioners seek relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a cumulative total business signage of 170.78 sq.ft. in lieu of the permitted 100 sq.ft. for one double-faced sign of 69 sq.ft. per face and one single-faced sign of 32.78 sq.ft. In addition, the Petitioners seek a variance from Section 409.8.4 of the B.C.Z.R. to permit a parking setback from a public street right-of-way of 5 feet in lieu of the required 10 feet for a proposed restaurant use. At the public hearing held on this matter, the Petitioners amended the Petition to request a parking setback variance of 7 feet in lieu of the originally requested 5 Offeet and the Petition and site plan were so amended. The subject property amended relief sought are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Anthony Byrd, Construction Manager for Taco Bell, and John Heinrichs. The Petitioners were represented by Robert A. Hoffman, Esquire. Appearing as an interested party was Thomas Christian who appeared on behalf of the nearby Douglas Park Community.

Testimony and evidence offered revealed that the subject property consists of 49,515 sq.ft., zoned B.L. and is presently improved with a one-story building which was previously used by a Precision Tune franchise that is no longer in operation. The Petitioners have entered into a contract to sell the subject site to the Taco Bell Corporation which is desirous of developing the property with a Taco Bell Restaurant. As shown on the site plan, the proposed restaurant will be a one-story building typical of other Taco Bell restaurants throughout Baltimore County, with the requisite drive-thru lane and parking facilities and a seating capacity for 70 people. As to the variance relief sought, the first relates to the proposed signage. Under the current regulations, the Petitioners are limited to 100 sq.ft. of business signage. A double-faced identification sign of 69 sq.ft. per face is proposed to be located on the southeast corner of the property adjacent to Route 40. This sign is the standard single pole identification sign used by Taco Bell and is more particularly described on Petitioner's Exhibit 1. Also proposed is a single-faced menu board sign of 32.78 sq.ft. total, which will be located adjacent to the drivethru lane. Although, the proposed signage is in excess of that allowed by the current regulations, the signage would comply with the proposed business signage regulations presently pending before the Baltimore County Council.

The second variance relates to the parking setback distance required from a public street right-of-way. As shown on the original site plan, a 5-foot distance was intended to be provided; however, the Petition-

ers have reconfigured the parking area and a setback of 7 feet can now be provided, with no loss in parking spaces. It is to be noted that correspondence was received from both the Office of Planning and Zoning and the Department of Public Works wherein they opposed the 5-foot setback originally requested. However, supplemental memoranda from those agencies

indicate that the revised setback of 7 feet is acceptable.

As to Mr. Christian's appearance, he testified that he is not opposed to the requested variances, per se. However, he raised a number of well-intentioned concerns relative to traffic patterns and flow in this area. Specifically, Mr. Christian recommended that internal access to the site be altered from that shown on the plan. His justification for this recommendation primarily concerns an attempt to improve traffic patterns in the area and to keep crime out of the residential communities located He believes that a different traffic pattern from that proposed would not allow criminals to escape from the site by easy vehicular access to the adjacent residential community.

Although Mr. Christian's comments are well-taken, I decline to incorporate them in my decision. It should first be noted that the issues before me relate to signage and parking setback requirements and consequently, Mr. Christian's comments do not precisely relate to the issues at hand. More importantly, I am not inclined to adopt such wholesale changes without a thorough study of same. Obviously, Baltimore National Pike is a State route, and as such, access/egress to and from this road is regulated by the State Highway Administration (SHA). That agency has not had an opportunity to comment upon Mr. Christian's suggestions. Thus, although I am not incorporating his recommendations within my Order, I suggest that he and the Petitioners continue their discussions and communications with the

SHA in an effort to determine if a reconfiguration is desired and/or warranted.

Moreover, subsequent to the hearing on this case, correspondence was received from the SHA dated August 30, 1994 concerning this Petition. Their comments indicate that the SHA has no objection to the requested variances but offer certain requirements as to the proposed entranceway improvements. Obviously, the Petitioner needs to address these issues prior to receiving an access permit from the SHA and might also address Mr. Christian's concerns during that process.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result

- 4-

if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Atlanta day of September, 1994 that the Petition for Variance seeking relief from Section 413.2.F of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a cumulative total business signage of 170.78 sq.ft. in lieu of the permitted 100 sq.ft. for one double-faced sign of 69 sq.ft. per face and one single-faced sign of 32.78 sq.ft., and the amended variance seeking relief from Section 409.8.4 of the B.C.Z.R. to permit a parking setback from a public street right-of-way of 7 feet in lieu of the required 10 feet for a proposed restaurant use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) All landscaping for the subject site shall be in accordance with the Baltimore County Landscape Manual and approved by the Landscape Architect, Avery Harden.

3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

> Zoning Commissioner for Baltimore County

LES:bjs

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

September 7, 1994

**Baltimore County Government** 

Zoning Commissioner

Office of Planning and Zoning

(410) 887-4386

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE NE/Corner Baltimore Nat'l Pike and Leslie Avenue (6200 Baltimore National Pike) 1st Election District - 1st Councilmanic District Joel J. Finkelstein, et al - Petitioners Case No. 95-30-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Anthony K. Byrd 620 Herndon Parkway, Suite 200, Herndon, VA 22070

People's Counsel

# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6200 Baltimore National Pike

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby potition for a Variance from Section(s) 413.2F to permit a cumulative total of 170.78 sf. (one double-faced sign 69 sf./face and one singlefaced sign 32.78 sf.) of business signage in lieu of the maximum permitted 100 sf. of business signage; and a variance from Section 409.8.4 to permit a parking setback from a public street right-of-way of 5 ft. in \* of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

To be determined at hearing.

Taco Bell Corporation

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

620 Herndon Parkway Address Suite 200 Herndon, Virginia 22070 Robert A. Hoffman Venable Baetjer & Howard State Roccode

Court, Baltimore, MD 21208 Andrew A. Sangler Mercantile Building, Suite 900 2 Hopkins Plaza, Baltimore, MD 21201 539-3700 Stanford G. Gann Mercantile Building, Suite 900 2 Hopkins Plaza, Baltimore, MD 21201 539-370 Name, Address and phone number of legal owner, contract purchaser or representative Robert A. Hoffman

I/We do solemnly declare and affirm, ungitalithe penalties of perjury, that I/we are the

which is presently zoned BL

\* lieu of the required 10 ft.

Name 210 Allegheny Avenue Towson, Maryland 21204 494-6200

- 6-

Thintort with Switness tak

# PHOENIX ENGINEERING, INC.

817 Maiden Choice Lane • Suite 300 • Baltimore, MD 21228 / CONSULTING ENGINEERS

DESCRIPTION FOR A ZONING VARIANCE 6200 BALTIMORE NATIONAL PIKE CATONSVILLE, MARYLAND

ITEM# 27

BEGINNING for the same at a point being the intersection of the Easternmost Right-of-way line of Leslie Ave., (50 feet wide), as shown on Baltimore County Drawing No. HRW 57 - 048 - A, recorded among the Land Records of Baltimore County, Maryland in Liber 5227 at folio 579, with the Northernmost Right-of-way line of the Baltimore National Pike (150 feet wide); thence binding on said Northernmost Right-of-way line of the Baltimore National Pike

- 1) 194.81 feet along a curve to the left, having a radius of 3,744.72 feet and a chord bearing North 83° 39' 09" East 194.79 feet, to a point on the Westernmost Right-ofway line of Cummings Ave., (35 feet wide), as shown on the Baltimore county Rightof-way Plat RW 88-057-1, recorded among the Land Records of Baltimore County, Maryland in Liber 8111 at Folio 203, thence binding on said Westernmost Right-of way line of Cummings Ave.
- North 04° 22' 20" East 134.00' to a point; thence continuing with the Westernmost Right-of-way of Cummings Ave. and binding on the widening strip acquired by Baltimore County as shown on RW 88-057-1, recorded among the Land Records of Baltimore County, Maryland in Liber 8111 at Folio 203, the following two courses
- South 83° 03' 52" West, 5.10 feet to a point; thence
- North 04° 22' 20" East 16.00 feet to a point on the Southernmost line of a plat entitled "Bensky Property," said plat being recorded in Plat Book S.M. 55 at folio 142; thence running with and binding on said line, as now surveyed
- South 83° 03' 52" West, 112.88 to a point at the end of said Southernmost line of the "Bensky Property," thence
- South 84° 33' 18 West, 76.82 feet to the aforementioned Eastern Right-of-way of Leslie Ave.; thence running with and binding on said Eastern Right-of-way line
- 7) South 04° 22' 36" West, 150.00 feet to the point of beginning

CONTAINING 28,675 square feet or 0.658 acres of land more or less.



Telephone: 410-247-8833 • Fax: 410-247-9397

TO: PUTUXENT PUBLISHING COMPANY August 11, 1994 Issue - Jeffersonian

Please foward billing to: Barbara W. Ormord

210 Allegheny Avenue Towson, Maryland 21204 494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-30-A (Item 27) 6200 Baltimore National Pike NEC Baltimore National Pike (Route 40) and Leslie Avenue

1st Election District - 1st Councilmanic

Legal Owner(s): Joel J. Finkelstein, Andrew R. Sandler, and Stanford G. Gann Contract Purchaser(s): Taco Bell Corporation

HEARING: FRIDAY, AUGUST 26, 1994 at 9:00 a.m. in Room 106, County Office Building.

Variance to permit a cumulative total of 170.78 square feet (one double-faced sign 69 square feet/face and one single-faced sign 32.78 square feet) of business signage in lieu of the maximum permitted 100 square feet of business signage; and to permit a parking setback from a public street right-of-way of 5 feet in lieu of the required 10 feet.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting 3/5/94 Potitioner: For I Finds town ford Sondlar Ston Ford Game & Taw Bolloop Location of property: 6200 Bollo. Not. Pito, NELcor Los lie Are, Location of Signe Facing Tood Way on proporty being tour & Posted by MITTON Date of return: 8/17/94 Number of Signs:

NOTICE OF HEARING The Zening Commissioner of Baltimore County, by authority of the Zening Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse 400 Westington Case: #95-30-A (Item 27)

6200 Baltimore National Pike NEC Baltimore National Pike (Route 40) and Leslie Avenue

1st Election District

1st Councilmanic
Legal Owner(s):
 Joel J. Finkelstein,
 Andrew R. Sandler, and
 Stanford G. Gann
Contract Purchaser(s):
 Taco Bell Corporation Hearing: Friday, August 26, 1994 at 9:00 a.m. in Rm. 106, County Of-fice Building.

Variance to permit a cumulative total of 170.78 square feet (one double-faced one single-faced sign 32.78 square feet) of business signage in lieu of the maximum permitted 100 square feet of business signage; and to permit a parking setback from a public street right-of-way of 5 feet in fleu of the required 10 LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County CERTIFICATE OF PUBLICATION

\_\_\_(lugust 12, 1994 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

THE JEFFERSONIAN.

LEGAL AD. - TOVISON

(2)For information concern-ing the File and/or Hearing, Please Call 887-3391 8/087 August 11.

Towson, MD 21204

Baltimore County Government Office of Zoning Administration and Development Management

NOTICE OF HEARING

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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From 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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and one single-faced sign 32.78 square feet) of business signage in lieu of the maximum permitted 100

square feet of business signage; and to permit a parking setback from a public street right-of-way of 5

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

111 West Chesapeake Avenue

NEC Baltimore National Pike (Route 40) and Leslie Avenue

Legal Owner(s): Joel J. Finkelstein, Andrew R. Sandler, and Stanford G. Gann

HEARING: FRIDAY, AUGUST 26, 1994 at 9:00 a.m. in Room 106, County Office Building.

CASE NUMBER: 95-30-A (Item 27)

1st Election District - 1st Councilmanic

feet in lieu of the required 10 feet.

Taco Bell Corporation

Robert A. Hoffman, Esq.

Contract Purchaser(s): Taco Bell Corporation

6200 Baltimore National Pike

(410) 887-3353 AUG. O 4 1994

111 West Chesapeake Avenue Towson, MD 21204

Baltimore County Government

Office of Zoning Administration

and Development Management

August 22, 1994

Robert A. Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, MD 21204

> RE: Item No. 27, Case No. 95-30-A Petitioner: Joel J. Finklestein, et ux Petition for Variance

Dear Mr. Hoffman:

Zoning Administration & Development Management

111 Vast Chesepeake Avenue
Tonsen, Moryland 21204

TAGN POECC GORP.

020 - WRIANCE - 4 250 00

TOTAL - 11, 285°2

080 - SIGN 11 one - # 3500

Date 7-26-74

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 26, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

# ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

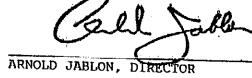
Baltimore County Government Office of Zoning Administration and Development Management

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 27
Petitioner: Taco Bul Colputin
Location: 6200 partine Makinal Pike
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara W. Ormord
ADDRESS: @ 210 allighing are
Tomson, lid 21204
PHONE NUMBER: 494-6201

(Revised 04/09/93)

Zoning Plans Advisory Committe Comments August 22, 1994

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

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W. Carl Richards, Jr.

Zoning Coordinator

Enclosures

WCR:jw

Printed with Soybean Ink on Recycled Paper

(410) 887-3353

fqiesen

Account: R-001-6150

OTALLERING HARTOHAIT.

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 15, 1994 Zoning Administration and Development Management

FROME Robert W. Bowling, P.E., Chief Developers Engineering Section

'RIGHT TURN ONLY'SIGN

Zoning Advisory Committee Meeting for August 15, 1994 Item No. 27

The Developers Engineering Section has reviewed the subject zoning item. Cummings Avenue is an existing road which shall ultimately be improved as a 30-foot street crosssection on a 40-foot right-of-way.

Baltimore National Pike (Rt. 40) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting this road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

We recommend against granting a variance from Sec. 409.8 .4 considering vehicle overhang. An unacceptable 2 feet of width would be available for the required Class 'B' screen and street trees. The 7-foot wide planted area shown on the schematic landscape plan does not exist. RWB:sw

TYPICAL DIRECTIONAL ENTRANCE ONTO A DIVIDED HIGHWAY - PREDOMINANCE OF

3'R (TYP)-

PASSENGER VEHICLES

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 08/09/94

Arnold Jablon Director Zoning Administration and Development Management Baltimore Courty Office Building Towson. MD 21204 MAIL STCP-1105

RE: Property Owner: JOEL J. FINKELSTEIN & ANDREW R. SANDLER & STANDFORD G. GANN LOCATION: BALTIMORE NATIONAL PK. (ROUTE 40) AND LESLIE AVE. (6200 BALTIMORE ANTIONAL PK.)

Item No.: 27

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda: VARIANCE

4. The site small be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



Fire Marshal Office, PHONE 887-4881, MS-1102F cc: File

REVIEWER: LT. ROBERT P. SAUERWALD

-KEEP RIGHT'SIGN

SCALE . 1 20'

BALTIMURE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Donna Dennis, ZADM

DATE: <u>August 22, 1994</u>

Francis (Jake) Morsey Development Review Section FROM: Strategic Planning Division, OPZ

SUBJECT: Taco Bell 6200 Baltimore Nat'l Pike (LIM 94151)

The Office of Planning and Zoning has reviewed the above referenced project and offers the following comment(s): 1. Reduce the traffic signs to 2 feet wide rather than 3 feet.

- 2. Provide sidewalks on Cummings Avenue and Route 40 with a connecting sidewalk to the site from the Route 40 sidewalk. A painted crosswalk to the store front should be included.
- Provide the required 10 foot landscape setback on Cummings Avenue or request a variance for 7 feet from the landscape requirement and get more trees in the island and along Cummings Avenue.
- 4. Screen drive up teller from view from Leslie Avenue and Route 40, cars only not the building canopy.
- Provide mulch like the adjacent Home Depot.

AUG 2 3 1994

LIM94151.FM/PZONE/MINOR

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

Maryland Department of Transportation

State Highway Administration

Ms. Julie Winiarski

Room 109

Zoning Administration and

Development Management

111 W. Chesapeake Avenue

Towson, Maryland 21204

Dear Ms. Winiarski:

County Office Building

Arnold F. "Pat" Keller, Director Office of Planning and Zoning 6200 Baltimore National Pike

Petitioner: Taco Bell Corporation Zoning: BL Item No. 27

In reference to the applicant's request, staff offers the following comments: The attached comment of August 22, 1994 reflects the position of this office regarding the subject matter.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

DATE: August 23, 1994

GK:JL:fjw ZAC.27/PZONE/ZAC1

Ms. Julie Winiarski Page Two August 30, 1994

O. James Lighthizer

Secretary Hal Kassoff

95-30

August 30, 1994

This office has reviewed the plan for the referenced plan and we offer the

A review of the State Highway Administration's (SHA) current and long range

Construct a 35' directional entrance with the predominance of passenger vehicles

Close the existing entrances on the property frontage using SHA Type "A" curb

Install new SHA Type "A: curb and gutter along the remainder of the property

frontage, including the existing radii at the intersections of Leslie Avenue and

Therefore, we have no objection to approval for the variance to permit a cumulative total of 170.78 square feet (one doubled-faced sign 69 square feet/face and one single-faced sign 32.78 square feet) of business signage in lieu of the maximum

permitted 100 square feet of business signage; and to permit a parking setback from a

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech

1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

public street right-of-way of 5 feet in lieu of the required 10 feet, subject to the

planning documents reveals that there are no roadway improvement projects indicated in

Also, since US 40 is a divided highway in this area, the proposed entrance

improvements are not acceptable to the SHA and must be revised to include the

Cummings Avenue located at the property corners.

aforementioned entrance improvements.

Re: Baltimore County

US 40 West

Taco Bell Corporation

Variance Request

Item # +27 (RT)

Mile Post 1.79

Administrator

Entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- Eight (8) copies of the site plan showing the SHA requirements.
- Completed application.
- Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction. Or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for the opportunity to review this plan.

Very truly yours,

David Ramsey, Acting Chief **Engineering Access Permits** 

BS/es

Attachment

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director August 25, 1994 Office of Zoning Administration and Development Management

FROM: Robert W. Bowling, Chief Developers Engineering Section Department of Public Works

SUBJECT: Taco Bell at U. S. Route 40 and Cummings Avenue Item #27 - Zoning Advisory

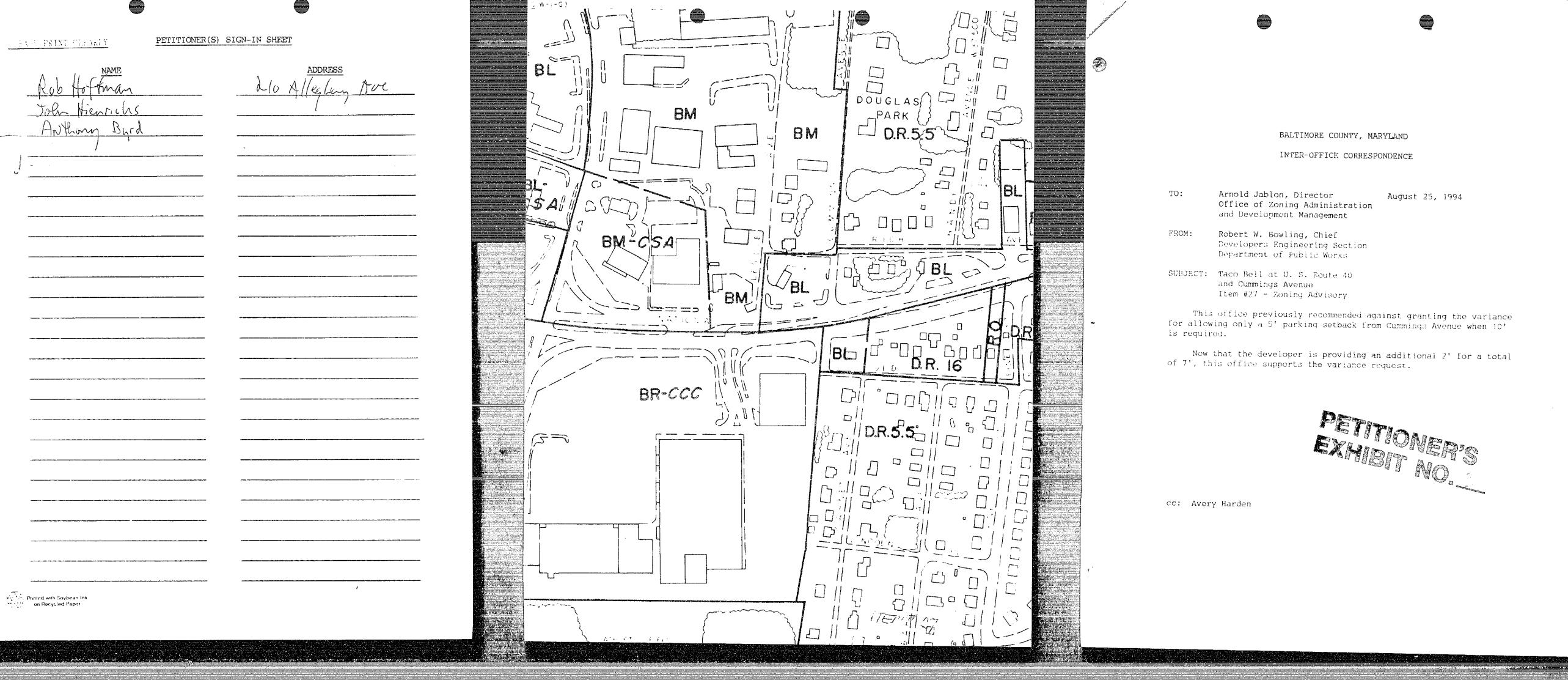
This office previously recommended against granting the variance for allowing only a 5' parking setback from Cummings Avenue when 10' is required.

Now that the developer is providing an additional 2' for a total of 7', this office supports the variance request.

cc: Avery Harden

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RE: PETITION FOR VARIANCE	* REFORE T	гне		LAFA S PRINT CURARIY	PETI
5200 Baltimore National Pike, NEC	* ZONING C	COMMISSIONER			
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